

OVERVIEW

This policy item details procedure for coordination with the local prosecuting attorney and law enforcement as required by Child Protection Law.

DEFINITIONS

Physical harm

Any injury to a child's physical condition.

Serious mental harm

An injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

Serious Physical Harm/Severe Physical Injury

Severe physical injury means serious physical harm to a child, as defined in MCL 750.136b. Serious physical harm means any physical injury that seriously impairs the child's health or physical well-being, including but not limited to, brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut.

PROCEDURE

Referral to Law Enforcement and Prosecuting Attorney

MCL 722.623 and MCL 722.628, Sec 8(1) require that within 24 hours of initial receipt of the referral, the department must notify local law enforcement and the prosecuting attorney about referrals involving the following allegations:

- Acts which would constitute 1st, 2nd, 3rd, or 4th degree child abuse (MCL 750.136b). Potential acts include:
 - Intentionally causing serious mental or physical harm.
 - Intentionally committing an act likely to cause serious mental or physical harm.

- A person's omission causes serious physical or mental harm.
- Intentionally causing physical harm, or a person's omission causes physical harm.
- Possession of child sexually abusive material (MCL 750.145c).
- Sexual abuse or sexual exploitation including acts which would constitute 1st, 2nd, 3rd, or 4th degree criminal sexual conduct of a child and assault with intent to commit criminal sexual conduct (MCL 750.520b-750.520g).
- Manufacture of methamphetamine (MCL 333.7401c).
- Abuse or neglect is the suspected cause of a child's death.
- Severe physical injury.
- The abuse or neglect was committed by a person **not** responsible for the child's health or welfare (for example, a teacher, teacher's aide, member of the clergy, or an individual 18 years of age or older who is involved in a youth program, etc.).

MDHHS-2164, Law Enforcement and Prosecuting Attorney Notification Form

Caseworkers must generate and send the MDHHS-2164, Law Enforcement and Prosecuting Attorney Notification Form, to law enforcement and the prosecuting attorney's office of jurisdiction within 24 hours of receipt of the referral. This action must be documented in a social work contact and the form must be saved or scanned and uploaded within the electronic case record.

Note: Centralized Intake (CI) is responsible for forwarding the referral to the prosecuting attorney and law enforcement in cases not assigned for investigation by Children's Protective Services (CPS).

**Coordination with
Prosecutors Office
and Law
Enforcement**

The prosecuting attorney and the department in each county are required to adopt and implement a standard child abuse and

neglect investigation and interview protocol. [The DHS PUB 794, A Model Child Abuse And Neglect Protocol Utilizing a Multidisciplinary Team Approach](#), should be used as the model.

In addition to the situations requiring a referral to law enforcement and the prosecuting attorney in this policy item, **caseworkers must also seek the assistance from law enforcement for any referral in which it is necessary for the protection of the child, a department employee, or another person involved in the investigation**; MCL 722.628(3).

Caseworkers must make efforts to coordinate and communicate with law enforcement in mutually conducted investigations.

Request for Delay of Investigation

If law enforcement requests a delay in starting an investigation, communication and coordination must still occur to assess child safety as well as maintain standard of promptness for face-to-face contact. The caseworker should discuss these department requirements with law enforcement to determine the best approach to accomplish these objectives and maintain integrity of both investigations.

If the prosecuting attorney requests a delay in initiating an investigation, the caseworker must contact their supervisor and county director (or designee) to determine how to proceed.

Reports

Caseworkers must request law enforcement reports for cases involving coordination with law enforcement. Document a summary of any reports received in a social work contact and upload the document into the electronic case record.

Report to Prosecuting Attorney

A redacted DHS 154, CPS Investigation Report, must be sent to the prosecuting attorney within 7 calendar days for central registry cases involving:

- Death of a child.

- Serious physical harm/severe physical injury; see *definitions* in this policy item.
- Sexual abuse or exploitation.
- Child exposure to or contact with methamphetamine production.

For proper redaction, see [SRM 131, Confidentiality](#).

Add a social work contact to document the redacted report was sent to the prosecuting attorney.

Law Enforcement Replacement Interviews

Use of replacement interviews by law enforcement for alleged perpetrators, other adults and children are allowed when meeting specific criteria indicated in this item. The use of law enforcement interviews does not relieve the caseworker from conducting interviews needed to accurately complete case assessments and a thorough CPS investigation. If the replacement interview fails to address all allegations and obtain necessary information for completion of case assessments for a thorough CPS investigation, the caseworker must coordinate with law enforcement for subsequent interviews in cases with ongoing criminal investigation.

Law Enforcement Contact with Children

Law enforcement contact with a child may be used to satisfy face-to-face contact with a child within standard of promptness requirements if the contact meets one of the following:

- Law enforcement made the referral to CPS and had contact with the child victim within 24 hours prior to making the referral.
- Contact with the alleged child victim occurred during the priority time response timeframe required for CPS.

See [PSM 713-01, CPS Investigation - General Instructions](#), for more information.

If law enforcement has conducted an interview with a child during an investigation, the caseworker may use the interview to satisfy policy requirements for interview and contact. Interviews with a child may only be used if the law enforcement officer is trained in

forensic interview techniques and is able to verify that forensic interview techniques were used to conduct the interview. The interview must also contain proper inquiry into all allegations.

Documentation of Law Enforcement Interviews

Caseworkers should use the date and time at which law enforcement made contact and should indicate that the contact was completed by law enforcement.

If using law enforcement contact for replacement of a forensic interview, the social work contact must document the law enforcement officer is trained in the forensic interview protocol and forensic interview protocol techniques were used.

If using law enforcement replacement contact for initial face-to-face contact with an alleged child victim, and the contact was within 24 hours prior to the referral, the date and time of the referral should be used.